

**FEDERAL PUBLIC DEFENDER**

NORTHERN DISTRICT OF CALIFORNIA  
555 - 12TH STREET  
SUITE 650  
OAKLAND, CA 94607-3627

**BARRY J. PORTMAN**  
*Federal Public Defender*

Telephone (510) 637-3500  
Fax (510) 637-3507

April 7, 2008

Honorable Claudia Wilken  
Judge, United States District Court  
Northern District of California  
1301 Clay Street  
Oakland, CA 94612

Re: United States v. Damon Smith  
CR-04-40060 CW

Your Honor:

I received a copy of a pro se motion for reduction of sentence, filed by Damon Smith in the above captioned case. The motion was sent to me because I am overseeing all of the retroactive crack reduction cases in the Northern District of California.

I have reviewed Mr. Smith's case, and spoken with his prior appointed counsel. Mr. Smith was sentenced to the statutory mandatory minimum of 120 months. Although the crack guidelines have been amended, and the reduction has been made retroactive, the statutory mandatory minimums have not changed. The Federal Public Defender's Office will therefore not be representing Mr. Smith unless the Court orders otherwise.

If the Court would like any additional information, I would be happy to provide it.

Respectfully,

BARRY J. PORTMAN  
Federal Public Defender

/S/  
REBECCA SULLIVAN SILBERT  
Assistant Federal Public Defender

cc: Doug Sprague, AUSA  
Jim Schloetter, United States Probation Officer  
Richard Tamor, CJA counsel (by fax)  
Damon Smith, Reg. #93495-011, Federal Correctional Institution  
Terminal Island, P.O. Box 3007, San Pedro, CA 90731